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May 19, 2022

VIA ECF

The Honorable Denise Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: Status Letter Demonstrating Diligence in Pursuit of Administrator Appointment,
as Ordered on February 25, 2022 [DE 46]
Franklin v. Cona Elder Law, PLLC, et al., No. 1:21-cv-04810-DLC

Judge Cote:

The undersigned represented Plaintiff Alphonso Franklin in the above-captioned case against Defendants Cona Elder Law, PLLC ("Cona"), a law firm that collects debts for nursing homes, and Wartburg Home ("Wartburg"), a nursing home, for their violations of the Fair Debt Collection Practices Act (FDCPA) and related state laws, and now represents Delvin Franklin to move for substitution in this matter once he has been appointed administrator of his late-father's estate.

This Status Letter is written pursuant to Your Honor's February 25, 2022 Order [DE 46] requesting a status letter by June 1, 2022, and your requirement that Delvin Franklin demonstrate due diligence in seeking appointment as administrator. In that regard, please see attached **Exhibit 1**, an Affirmation from Mr. Franklin's probate counsel, Judah Schwartz, Esq., providing the current status of the proceeding, and enclosed with that Affirmation **Exhibits A and B** showing, respectively, the filing receipt for the Petition and screenshots of the file taken on May 18, 2022 indicating that a file number has not been assigned to the case as of today.

Please note that Mr. Schwartz was advised to call the Bronx County Surrogate's Court Administration Department in approximately three weeks. The undersigned will keep abreast of any change in the status disclosed at that time and inform this Court accordingly.

Respectfully,

/s/

Emma Catherine, Esq.

A status letter is due

5/15/22

Denise Cote
5/26/22